

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6316

BILL NUMBER: HB 1049

NOTE PREPARED: Feb 9, 2006

BILL AMENDED:

SUBJECT: Controlled Substances Crimes.

FIRST AUTHOR: Rep. Bell

FIRST SPONSOR: Sen. M Young

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill expands the definition of "family housing complex" used in the controlled substances laws to include a hotel, a motel, an apartment complex, or a building that contains subsidized housing. It makes neglect of a dependent a Class C felony if it: (1) results from the manufacture of cocaine, methamphetamine, or a narcotic drug; or (2) is committed in an area where cocaine, methamphetamine, or a narcotic drug is being manufactured, delivered, or financed.

Effective Date: July 1, 2006.

Explanation of State Expenditures: State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. Under current law, certain offenses receive enhanced penalties if it can be proved that they took place within 1,000 feet of school property, a public park, a family housing complex, or a youth program center. Under the bill, the definition of a family housing complex would be expanded. Also, under current law, the penalty for knowingly or intentionally committing neglect of a dependent is a Class D felony, but, in certain circumstances, the penalty may be enhanced to a Class C, Class B, or Class A felony. Under the bill, additional circumstances would be added to enhance the penalty to a Class C felony.

There are no data available to indicate how many additional offenders would receive an enhanced sentence for a drug offense if the definition of a family housing complex is expanded. For the neglect of a dependent offense, a Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years. More offenders could mean increased costs to the Department of Correction (DOC). The average length of stay in DOC facilities for all Class C felony offenders is

approximately two years, and the average length of stay for all Class D felony offenders is approximately 10 months. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Background Information: Below is the average annual number of offenders committed to state facilities between 1999 and 2004 for the underlying drug crime and for the enhanced penalties. (Note: There are other factors that could subject an offender to an enhanced penalty besides the location of the crime. Not all offenders receiving an enhanced penalty committed a crime within 1,000 feet of school property, a public park, a family housing complex, or a youth program center.)

Indiana Code Cite and Description	Underlying Crime Class	Average Annual Number of Commitments 1999 - 2004
	----- Enhanced Penalty Class	
IC 35-48-4-1 Dealing in Cocaine or a Narcotic Drug	Class B	141
	Class A	880
IC 35-48-4-2 Dealing in Schedule I, II, or III Controlled Substance	Class B	9
	Class A	231
IC 35-48-4-3 Dealing in a Schedule IV Controlled Substance	Class C	5
	Class B	16
IC 35-48-4-4 Dealing in a Schedule V Controlled Substance	Class D	2
	Class B	2
IC 35-48-4-6 Possession of Cocaine or Narcotic Drug	Class D	450
	Class B or	110
	Class A	24
IC 35-48-4-7 Possession of Schedule IV Controlled Substance	Class D	176
	Class C	43
IC 35-48-4-10 Dealing in Marijuana, Hash Oil, or Hashish	Class D	48
	Class C	68
IC 35-48-4-14.5 Possession of Precursors to Methamphetamine	Class D	52
	Class C	10

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since

criminal fines and court fees are the same for all felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees are the same for felonies at \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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